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OFFICE OF PETITIONS

In re Application of	:	
Kao et al.	:	DECISION ON PETITION
Application No. 10/735,107	:	TO WITHDRAW
Filed: December 12, 2003	:	FROM RECORD
Attorney Docket No. RZMI-P318	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 1, 2006.

The request is **NOT APPROVED**.

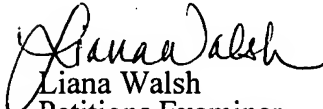
A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reason provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "The Assignee Raza Microelectronics, Inc. wishes to terminate representation," does not meet any the conditions set forth in 37 CFR 10.40 since a proper Statement under 37 CFR 3.73(b) has not be submitted.

For the same reason listed above, the Revocation of Power of Attorney submitted by the Assignee on December 5, 2006 is hereby not approved. 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

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